

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,094 to Humpleman et al. ("*Humpleman*"), U.S. Patent No. 5,526,130 to Kim ("*Kim*"), U.S. Patent No. 6,177,931 to Alexander et al. ("*Alexander*"), and U.S. Patent No. 6,002,394 to Schein et al. ("*Schein*").

Applicant amends claims 1, 3, 8, 10, and 15. Claims 1-15 remain pending.

Applicant thanks Examiner Boccio for the telephone interview on May 5, 2009. During the interview, the pending claims and the cited prior art was discussed. Examiner Boccio agreed that the claims as currently amended overcome the cited prior art.

Applicant respectfully traverses the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over *Humpleman*, *Kim*, *Alexander*, and *Schein*. A *prima facie* case of obviousness has not been established.

Claim 1, as amended, recites a device including, for example, a "control means being for cancelling the recording reservation when a double booking occurs and the recording reservation is a preliminary reservation, wherein an entry of the recording reservation as the preliminary reservation provides notice at time of the entry that the recording reservation may be cancelled to record a subsequent reservation." Combination of *Humpleman*, *Kim*, *Alexander*, and *Schein* fail to disclose or suggest at least the claimed control means.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

As indicated by the Examiner during the telephone interview, *Humpleman, Kim, Alexander, and Schein* do not teach or suggest, "cancelling the recording reservation when . . . the recording reservation is a preliminary reservation, wherein an entry of the recording reservation as the preliminary reservation provides notice at time of the entry that the recording reservation may be cancelled to record a subsequent reservation," as recited in claim 1.

Accordingly, *Humpleman, Kim, Alexander, and Schein* fail to render the subject matter of claim 1 obvious. Independent claims 8 and 5, though of different scope than claim 1, are allowable for at least the same reasons as claim 1. Claims 2-7 and 9-14 depend from claims 1 and 8, respectively, and are thus allowable for at least the same reasons as claims 1 and 8.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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